



August 28, 2020

Mr. Craig Lapiejko, First Coast Guard District
Via email: craig.d.lapiejko@uscg.mil

Dear Mr. Lapiejko,

Please accept these comments from the Mid-Atlantic and New England Fishery Management Councils (the Councils) on the request for comments on the ongoing Port Access Route Study (PARS) for the Northern New York Bight.

The Mid-Atlantic Council manages more than 64 marine species¹ in federal waters and is composed of members from the coastal states of New York through North Carolina (including Pennsylvania). The New England Council manages 28 marine species and is composed of members from Maine to Connecticut. Fishing activity for all Mid-Atlantic and many New England Council-managed commercial and recreational fisheries occurs within the study area for this PARS. Marine fisheries are profoundly important to the social and economic well-being of Mid- Atlantic and New England communities and provide numerous benefits to the nation, including domestic food security.

Our primary concern in terms of potential routing measures for this region is their intersection with offshore wind development. The study area for this PARS encompasses two wind energy lease areas (OCS A 0-512, leased to Equinor Wind US LLC and a small section of OCS-A 0500, leased to Bay State Wind LLC) plus additional planning areas that may be considered by the Bureau of Ocean Energy Management for leasing in the future. Wind energy development off the U.S. east coast is advancing at a rapid pace. The Councils have concerns about the potential for the coexistence of fisheries and large-scale offshore wind projects but support policies for U.S. wind energy development that will sustain the health of marine ecosystems and fisheries resources. Risks to marine ecosystems and fisheries must be minimized.² Our main concerns regarding offshore wind energy development include: 1) the ability of commercial and recreational fishing vessels to continue to safely fish in and transit through the wind energy areas; 2) the continued operation of fisheries-independent surveys conducted by the National Marine Fisheries Service, states, and other entities; and 3) the safe and effective conduct of search and rescue operations.

¹ 14 species (summer flounder, scup, black sea bass, bluefish, Atlantic mackerel, *Illlex* and longfin squids, butterfish, Atlantic surfclams, ocean quahogs, golden and blueline tilefish, spiny dogfish [joint with the New England Fishery Management Council], and monkfish [joint with the New England Fishery Management Council]) are managed in specific fishery management plans. More than 50 additional species are managed as ecosystem components across all fishery management plans.

² The Mid-Atlantic Council's policy on offshore wind energy development is available at <https://www.mafmc.org/actions/offshore-energy>. The New England Council's policy is nearly identical.

Specific to offshore wind, we urge the Coast Guard to issue clear and unambiguous guidance regarding wind farm layout restrictions that are necessary to allow for safe vessel transit, fishing activity, and search and rescue operations. These recommendations will be very important for the Bureau of Ocean Energy Management and wind developers to consider. Consideration should be given to concerns expressed by the New England Fishery Management Council regarding ambiguous statements about the minimum recommended spacing between wind turbines in the draft PARS for the areas offshore of Massachusetts and Rhode Island (MARIPARS). Those concerns are not repeated here but can be found in the letter linked below.³ The conclusions made in the Northern New York Bight PARS should be less ambiguous. The Coast Guard's recommendations in the MARIPARS build off an agreement by developers to use a uniform, 1x1 nm east-west/north-south turbine spacing across multiple leases in that area. No such agreement currently exists for the leases in the region of this PARS, although Equinor has suggested a minimum 0.65 nm spacing for the Empire Wind project.⁴ Clear Coast Guard advice on this matter will be important. We understand that developer/fisheries conversations around turbine orientation and spacing for the Empire Wind project have been productive, and it will be important to convey Coast Guard recommendations related to safety and transit in a way that preserves flexibility for mutually agreeable layout alternatives.

More generally, this PARS should consider all available data to understand patterns of commercial and recreational fishing vessel activity in the area. This includes not only automatic information system (AIS) data, but also vessel monitoring system (VMS), vessel trip report (VTR), and fisheries observer data. Each of these data sets have limitations, which must be explicitly considered and acknowledged in the PARS. For example, data on fishing and transiting locations derived from VMS, AIS, and VTRs do not account for all fishing activity in the area. Specifically, smaller vessels, vessels which only operate in state waters, and private recreational anglers are under-represented and/or completely missing from these data sets.

It is imperative that these data sets be supplemented with extensive input from commercial and recreational fishery stakeholders. Stakeholder input should be collected through a variety of channels, including in-person workshops and meetings, webinars, online comment forms, written communications, and phone calls. We are concerned that the ongoing COVID-19 pandemic will limit the Coast Guard's ability to collect stakeholder input through in-person meetings, which can be especially important for discussing and reviewing spatial data. In addition, some stakeholders feel most comfortable providing input in person. We urge the Coast Guard to hold in-person meetings with stakeholders if possible.

Input provided by fishermen through previous efforts should also be considered. For example, the Responsible Offshore Development Alliance (RODA) and the New York State Energy Research and Development Authority (NYSERDA) worked with many fishermen to summarize commercial fishing transit patterns in the New York Bight.⁵ This effort showed that vessels transit through the area from New England, New York, and New Jersey ports, moving in various directions between ports and

³ <https://s3.amazonaws.com/nefmc.org/200316-NEFMC-to-USCG-re-MARIPARS.pdf>

⁴ <https://files.constantcontact.com/45fa7eec701/1abf7270-1413-4ffe-b638-7cfdfe3c6970.pdf>

⁵ <https://www.nyftwg.com/new-york-bight-transit-lane-workshop-2/>

between ports and fishing grounds. The PARS should consider any transit lane proposals made for the region; fishery interests have called for 4 nm transit lanes through/between lease areas.

In the context of search and rescue, we recommend that the Coast Guard consider recent discussions about the effects of wind turbines on radar coverage, including high frequency radar used for search planning. The Department of Energy and Department of Defense's Wind Turbine Radar Interference Mitigation Working Group and their recent webinar series have provided an important forum for understanding these issues.

The Council looks forward to working with the Coast Guard to ensure that any future wind development activities minimize impacts to the marine environment and can be developed in a manner that ensures coexistence with our fisheries.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Moore".

Christopher M. Moore, PhD

Executive Director, Mid-Atlantic Fishery Management Council

A handwritten signature in black ink, appearing to read "Thomas A. Nies".

Thomas A. Nies

Executive Director, New England Fishery Management Council

cc: M. Luisi, J. Beaty, J. Quinn, E. Reid, M. Bachman